

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 16735 OF 2024

Prabhakar Pandurang Kashik
: *Versus* :

....*Petitioner*

The State of Maharashtra, Dept. of
Rural Development and Panchayat
Raj Thr. Hon. Secretary & Ors.

....*Respondents*

Mr. Akshay Kulkarni *with Mr. Nikhil Pawar, for the Petitioner.*
Mr. A.A. Alaspurkar, *for Respondent Nos.1 to 3.*

CORAM : SANDEEP V. MARNE, J.

Dated : 12 March 2025.

P.C. :

1) The petition challenges the order dated 30 September 2024 passed by the Collector, Kolhapur rejecting the dispute application preferred by the Petitioner in which he had questioned adoption of Motion of No Confidence under the provisions of Section 35 of the Maharashtra Village Panchayats Act in the meeting of the Panchayat held on 20 March 2024.

2) I have heard Mr. Kulkarni the learned counsel appearing for the Petitioner and Mr. Alaspurkar, the learned AGP appearing for Respondent Nos.1 to 3.

3) It appears that out of 17 members of the Panchayat, 15 members have participated in the meeting and they cast their vote. It is sought to be contended that two members subsequently clarified before the Collector that they were forced to cast their vote in support of the

Motion due to political pressure. In my view there is no provision under the Act under which it is open for member to resile the vote cast by him during the course of special meeting convened for discussing the Motion of No-Confidence. Once a member casts a vote either in favour or against the Motion, it is not open for him/her to subsequently resile from such voting for any reason whatsoever.

4) It is further sought to be contended that as on the date of voting, one of the members was facing disqualification proceedings and he has subsequently been disqualified. There is no denial to the position that the concerned member was not disqualified as on the date of the voting and he had right to participate in the meeting and vote in favour or against the Motion.

5) It is further sought to be contended that there is no discussion during the course of the meeting on the allegations levelled in the requisition dated 14 March 2024. By now, it is well settled position of law that motion of No-Confidence is not a punitive action taken against the Sarpanch or Upa-Sarpanch. Therefore, it is not necessary to discuss or prove the allegations levelled in the requisition filed by one-third members before the Tehsildar. Adoption of Motion of No-Confidence is mere exhibition of collective will of the elected members. It is therefore not necessary for the meeting of the Panchayat to record any reasons as to why motion of No-Confidence is adopted by majority as provided under Section 35 of the Act.

6) I therefore do not find any valid reason to interfere in the impugned order passed by the Collector. The petition is accordingly **rejected.**

NEETA
SHAILESH
SAWANT

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2025.03.17
17:28:48
+0530

[SANDEEP V. MARNE, J.]